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MINUTES OF THE REGULAR MEETING OF THE WASHINGTON STATE NOXIOUS WEED CONTROL BOARD

Wednesday, March 15, 2006

Best Western Lake Inn
Moses Lake, WA

BOARD MEMBERS PRESENT:

Ray Fann	Butch Klaveano
Ken Bajema	Mary Toohey
Tony Stadelman	Herman Harder
Kathy Hamel	Joe Coombs

OTHERS PRESENT:

Sharon Sorby, Pend Oreille County Noxious Weed Control Board
Marc Stairet, Benton County Noxious Weed Control Board
Terry Nowka, Chelan County Noxious Weed Control Board
Todd Davis, Kittitas County Noxious Weed Control Board
Reed Carlson, Adams County Weed District #1
Dan Wallenmeyer, Skamania County Noxious Weed Control Board
John Skaar, Skamania County Noxious Weed Control Board
Sue Sackmann, Adams County Noxious Weed Control Board
Marilyn Sielaff, Adams County Noxious Weed Control Board
Sue Winterowd, Stevens County Noxious Weed Control Board
Sharon Sorby, Pend Oreille County Noxious Weed Control Board
Loretta Nichols, Pend Oreille County Noxious Weed Control Board
Butch Bosely, Walla Walla County Noxious Weed Control Board
Marty Hudson, Klickitat County Noxious Weed Control Board
Kelly McLain, Department of Ecology
Steve McGonigal, Washington State Noxious Weed Control Board
Alison Halpern, Washington State Noxious Weed Control Board
Shari Kincy, Washington State Department of Agriculture

CALL TO ORDER

Chairman Ray Fann called the meeting to order at 8:39 a.m. Ray made the announcement that at Alison's request the Education Committee will be reinstated. Kathy Hamel, committee chair, said that the committee would meet before the next board meeting. Butch Klaveano and Laurel Baldwin are committee members.

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MINUTES OF THE PREVIOUS MEETING

The minutes from the January meeting were approved. Ray announced that Bill Brookerson, the Deputy Director of the Department of Agriculture and a great supporter of the board and the weed community, will be retiring the end of March. Ray will present him with a plaque from the board.

STAFF REPORT

Steve McGonigal gave the Executive Secretary's report.

- ✓ Steve, Ray and Butch met with Valoria Loveland, the Director of the Department of Agriculture and discussed several issues including Douglas County.
- ✓ Steve monitored and gave updates on the Legislature.
- ✓ The distribution of the Biennial Report was completed.
- ✓ The meeting notice for all of 2006 was filed on January 30th with the Code Revisers office, per the WAC.
- ✓ Steve followed up on the Special Projects decisions that were made at the last board meeting. This includes the butterfly bush brochure and the Crupina project funding that was allocated by the Special Projects Committee. Steve has been in contact with the Forest Service and WSDA concerning the crupina control project. Greg Haubrich has agreed to process all the funds coming into the project.
- ✓ Steve attended an open house in Grays Harbor County regarding *Spartina*.
- ✓ Steve met with the Pierce County Noxious Weed Control Board. The coordinator is retiring this year and their board has never hired a new coordinator so Steve gave them some information to help with that process.
- ✓ Steve organized a conference call of people going to Washington D.C. to go over what was going to happen during that week.
- ✓ Steve attended the Northwest Flower and Garden Show.
- ✓ Steve distributed the local funding spreadsheet. This spreadsheet details the structure of county weed board assessments.
- ✓ Steve met with the Cowlitz Board. They are still talking about an assessment. If they decide to go through with it they would go for \$2.60 a parcel.
- ✓ Steve attended NIWAW in Washington D.C. along with Nelle Murray and Marty Hudson.
- ✓ Steve testified at a hearing at Ecology regarding permit fees.
- ✓ Steve distributed the Survey Standards draft for Sarah Spear Cooke.
- ✓ Steve met Patrick Ryan with DNR, who will be the new contact for noxious weed matters. He reports to Paul Penhallegon.

There are several items that Steve will continue or begin to work on and they include:

- ✍ Steve will meet with the Governor's Invasive Species Group. They are planning an event possibly in May that the Governor may attend.
- ✍ The weed listing process has started for the 2007 weed list. Steve has received one proposal that he will distribute next week.
- ✍ There are two elections that need to be held for positions on the board.

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- ✍ Two appointments need to be made this year. Ray intends to send a letter to the Director of Agriculture recommending that she re-appoint Joe Yenish as a scientific advisor. The Eastern public interest seat that needs to be filled. The new term starts this month.
- ✍ Steve will meet with Cowlitz County.
- ✍ Steve may make a trip to Chelan to look at the Crupina control project. Both Steve and Greg Haubrich feel that they should stay in touch with the project.
- ✍ Steve noted that the Board earlier committed to getting involved in filling local board seats. That has not been done.
- ✍ Steve noted that the Board earlier committed to re-write the coordinators handbook, and that is not yet done.
- ✍ There will be a mailing to the nursery industry.

Alison Halpern gave the Education Specialist's report.

- ✓ Alison has the new website up and running. It is not completely done but all the necessary information is on it so far, and it can be accessed. She will continue to work on it.
- ✓ Alison has begun to distribute the Garden Wise booklet to western Washington counties and to individuals making requests for specific, relevant events. A lot of the Master Gardener programs have been requesting it and there was a request from the Master Gardeners of British Columbia, who want to purchase 500 of them. She would like to get it out to some of the home improvement stores. There probably will be a second printing soon. Alison will start an Eastern booklet in the near future.
- ✓ Alison attended the Northwest Flower and Garden Show. She counted an estimated 1,370 people that came by the booth. The top three weeds that people asked about were ivy, blackberry and Butterfly bush.
- ✓ Alison sent out the request for the Class A and Monitor reports.
- ✓ Alison gave two talks so far in March. One to the Nursery Inspectors for WSDA. The other was to one of the western Washington roadside sprayers groups.
- ✓ Alison is going to do two Weed ID workshops this year. The first one will be on June 8th in Ephrata and on June 9th it will be in Puyallup.

There are several items that Alison will to work on and they include:

- ✍ Alison will continue to work on the website and the written findings.
- ✍ Alison would like to find a way to reach out to the public to gauge how the program is doing and what the public knows about noxious weeds and how they are getting the information.
- ✍ Alison will continue to work on the Class A and Monitor reports.
- ✍ Alison would like to work with the Education Committee and the Coordinators on what they would like to see come from her.

Shari Kincy gave a short report

The first part of her report dealt with a hand out that was given to the board with some updates to the 2006 Directory. There were proofreading errors in the directory that was sent out. The handout includes the pages that needed to be updated.

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The second part of the report was regarding board training for Sexual Harassment and Ethics. Shari has been talking to Steve and Barbara Hoff, who is the training person for WSDA. The dilemma is that the board is split about 50-50 as far as who has not had the training at all and who just needs updates. In talking to Barbara she feels that the easiest thing to do would be to have the entire board to sit through an entire training for both subjects. The downside to that is in order to do both trainings at one sitting will take about four hours. Trying to do it in a cost effective manner would be to attach it to a board meeting. Barbara and Shari talked about something at the May meeting in Seattle but the four hours is the catch. The staff has all received our updates and for us to sit through another four hours of training would not be cost effective. Shari would also have to see how long we have the meeting space for and things like that. Those that need updates could possibly go onto the WSDA Intranet and do the on-line updates; unfortunately there are a couple of board members that do not have access to the Internet. The only other way would be for Barbara to do actual hands on training. Ray asked if it would be possible to get together the day before the next board meeting. Steve stated that he is working on a couple of tours for that day and there will be some committees that will want to meet. Herman asked if training from the counties could be substituted for the state training. Shari stated that she would ask Barbara. Ray wanted to know if there was a time limit for when new members had to have the training. Shari stated that she would check on that.

FINANCIAL REPORT

Steve McGonigal gave the report, based on end-of-January information. Year-to-date the board appears under-spent in all categories. One account was over-spent for the month due to the mailing of the biennial report. The education fund has not yet paid for the "Garden Wise" booklets, and the weed board account has not yet paid for the biennial report printing. The board used to receive bills from DIS for about \$14.00 a month for Internet hosting. In January that bill went up to \$412 dollars a month. This is an increase that has to be paid and it is based on the size of the website. This bill is expected to go down to from \$100 to \$200 dollars a month after the February bill is paid, because Alison had already decreased the size of the website. The Special Projects fund report appears to shows that no money has been spent, but bills have been paid from that account but were charged to the wrong fund. Steve has spoken to the fiscal department and they will fix their error. The Special Projects money for the entire fiscal year has been committed.

Butch Klaveneo made a motion to authorize the Budget Committee make adjustments to the allotments for the current year if it appears that funds are available to re-print the gardening brochure that Alison and others created.

Tony Stadleman seconded

Motion passed unanimously

Concerning the next fiscal year, Steve reported that the supplemental budget passed by the Legislature contains an additional \$100,000 available to the board. The supplemental budget has not yet been signed by the Governor. Ray Fann said there would be more discussion of that subject in May.

WSDA REPORT

Mary Toohey gave the report. The Crupina contract is in house from the Forest Service. There was a glitch; the first draft of the contract said WSDA cannot sub-contract. This is being corrected, and the contract will

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probably be signed tomorrow. Shortly thereafter the Department of Agriculture will contract with the Department of Ecology to acquire the services of their employees in the Conservation Corps. A new Knotweed Coordinator has been hired – Marshall Udo. He is from the Pacific County Noxious Weed Board. The RFP's for knotweed will be going out soon. In the recently passed statute authorizing the Invasive Species Council, there is a seat for a WSDA representative. Mary will be filling that seat. The Department is pleased with the outcome of the state budget for this year. The budget includes \$50,000 for work on *Spartina* in Grays Harbor during the upcoming growing season. This is in addition to the biennial appropriation for work in Willapa and Puget Sound. There are also several applications out to several federal agencies for funding to treat two additional specific sites in Puget Sound and Grays Harbor. The federal applications have all been put on hold because of ESA listing of several species including bull trout in Grays Harbor. Under the ESA, Section 7 consultations are now required. Usually an ESA consultation takes about three years, but we have been told recently that the consultation for Grays Harbor should be completed in the next three or four months. This should give *Spartina* projects in those areas some extra resources, which are needed very badly. The Pacific County Noxious Weed Control Board is considering listing *Spartina* as a Class B select weed in their county. Kyle Murphy and Mary will be attending the hearing. WSDA plans to partner with USF&W to treat the Long Beach Peninsula this year. Joe Coombs asked about how the Knotweed program works with the County Coordinators. Mary stated that the Department does not do any of the control work itself, but works to contract with counties and non-profits to fund the work to control it.

WA STATE DEPARTMENT OF ECOLOGY: AQUATIC PLANT MANAGEMENT GENERAL PERMIT

Kelly McLain works with the Department of Ecology. She has been working on the Aquatic Plant Management General permit. This is the permit that will take the in lake weeds. The permit will affect the control of noxious weeds. It will take 60 days to get coverage under the new permit and there is an annual fee. There is required public noticing in the newspaper, twice. There is a SEPA checklist requirement. These all have public comment periods and can be appealed by people. None of these things were under the old permit. This permit is intended for lakes. It is not intended to take over coverage of Reed canarygrass, knotweed, *Spartina* and other weeds that are covered under the Department of Agriculture. This permit is an NPDES permit and is regulated under the Federal Clean Water Act. There is some disagreement on whether or not permits need to be federal or state permits. Ecology is still working on where permitting will go in the future under this process. Part of the problem is that Ecology issued these permits originally in 2002 due to the Talent Irrigation decision. There are seven NPDES permits, federal and state, that were issued in 2002 and are coming up for renewal in 2007, 2008 & 2009 so they need to be re-written. The EPA has proposed a rule that says that if you are applying a pesticide according to the label for aquatic plant control you do not need a Clean Water Act permit. But they have not issued a final rule yet. Ecology is caught in this no man's land where they still have to adhere to the court ruling and issue Clean Water Act permits with the knowledge that they will probably at some point have to change those state permits. Permitting is not going to go away. One of the things that Steve asked Kelly to put together was some information from state law regarding noxious weed control in areas where it may affect water. Federal law defines a pollutant differently than pollution under state law. The definition of pollution under state law is anything that put into the water changes or alters the physical, chemical or biological characteristics of the water body. There is no time period placed on this and once you place a pesticide in the water it does for a short time period alter either the physical, chemical or biological characteristics of the water body. So under state law it is pollution and that is something that the way this is written no one ever thought about aquatic pesticides. This is usually used to cover wastewater treatment plant

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or things that are a waste. It is unlawful without a permit to put anything in the water that does this. So until the Talent decision in 2001, Ecology issued short-term modifications or orders and they allowed for a short time period where you could modify the water. So you were allowed for a short time period to do that then the modification was over and it lasted a year and was free. Unfortunately that is not a very legal process. It is not something that is permitted therefore it cannot be enforced very well. Ecology has gone the route of doing general permits for these activities and they will continue to do those in some way, shape or form. There is language in the RCW, specifically as a result of *Spartina* infestations, that says that Ecology will issue permits for noxious weed control. But it does say that they issue water quality permits, but there is no definition of a water quality permit. So they have to resort back to the permit that they have in place for water treatment plants, storm water runoff and all these other permits that don't fit. The new permit only affects lake treatments, and shoreline treatments of plants not on the state noxious weed or quarantine weed lists. There are some people that because they are private water bodies, they can't get coverage through the Department of Agriculture along the shoreline of the lake to control things like Reed canarygrass. They have included those on the application to do this treatment but it is all covered on the same permit and they were already doing in lake control of things like pondweed and milfoil. There are eradication projects under this permit. When Ecology wrote this permit they did categories of different types of activities. There are three categories; eradication, control and nutrient inactivation. Eradication is just noxious weeds or quarantine list weeds for plants that have been identified by the State Weed Board, WSDA or Ecology as being potentially threatening invasive and are not on the list yet so Ecology has included a category so that they can be treated quickly. Control also covers noxious weed, quarantined weeds, non-native nuisance plants and native plants so mostly people that want to swim in their lake and they have native plants that grow heavily so they can pull them. But where it changes is that Ecology also covers noxious weeds and you would think that any time you treat a noxious weed is to eradicate them but on Lake Washington they are not. On Lake Washington they are doing them on a community-by-community basis or on a lot-by-lot basis and abusing the permit that was issued by Agriculture and as a result Agriculture got sued. Ecology has split it out so that if you are working as a lake wide group you are under eradication almost 100% of the time. But if you are on Lake Washington you are not trying to eradicate it they are controlling it in their yacht club or their home owners association so that has been split out specifically because Lake Washington has been an issue and also to push towards getting a permit for Lake Washington in the future that specifically targets the areas needing noxious weed eradication on Lake Washington, Lake Union, Lake Sammamish and Portage Bay. Starting in early April, Kelly and Kathy Hamel will start meeting with Mary Toohey, Brad White and probably some other people from WSDA to talk about re-writing the permit that was issued to Agriculture for all the noxious weeds that are considered emergent or riparian and allowing people to get coverage the same way they have been getting coverage from Agriculture. They are not intending to change that permit at all in very many ways unless they can find a way to make it less likely for Agriculture to get sued. That will still be available for government agencies to get coverage and a small permit advisory committee will be developed that would probably have some state agency people as well as some of the weed coordinators from both sides of the mountains to talk about what would be useful to them in a permit like that. That permit is expected to be issued in December of 2006 or January of 2007, before next years treatment season. Agriculture's permit expires in July of 2007. Ray asked if the permit fees were site specific. Kelly stated that under the new permit there is a general permit fee and this year it is \$338 and next year it will be \$353. It is an annual fee that is paid to get coverage at the beginning of the five years and they pay every year to get that coverage. Counties are able to get coverage for all the water bodies that they treat. If for instance a county was coming in for a number of different sites, they would get one coverage for the county and then they would report at the end of the year all the sites that were treated. Originally when Ecology start writing the permit the impression that they had gotten from people with the agency was that it would have to be

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site by site. Ecology felt that would not look good, they could not have people coming in and getting multiple coverage's. Most of the time people applying for the permits do not know ahead of time where or what they will be treating. Ecology did not want people finding plants and not be able to treat them because they are in an area that they did have coverage for. Ecology is giving county or citywide coverage. Tony asked about irrigation districts. Kelly stated that they will have their own permit that is being written right now. That permit will come out in January of 2007. They have their own permit because different chemicals are allowed in irrigation districts. The fee will be the same; it goes up by the fiscal growth factor every year.

Ray asked Kathy Hamel if there was anything that she was working on. Kathy stated that they just offered a grant to WSDA for trials on hairy willow herb. Agriculture is going to contract with Tim Miller and he will set out some trials to try and figure out what will kill this plant. There is still work going on with Yellow flag iris as well. She also stated that the Education Committee will meet before the May meeting and they will be asking Alison what her expectations are of this committee.

SPECIAL PROJECTS COMMITTEE

Steve McGonigal stated that the committee had no reason to meet. All funds have been appropriated.

SURVEY STANDARDS COMMITTEE

Steve McGonigal gave the report from a written statement from Sarah Spear Cooke. The committee has not met since the September meeting. The draft standards based on NAWMA guidelines have been sent out to county weed boards for comment in both Word and PDF format. Comments are gratefully accepted from anyone who is willing to review this protocol. Comments can be sent in any format; verbal, hard copy or electronically. She has received two comments so far. She hopes to have a revised draft out for the May meeting. Comments are due the end of April. Sonny Gohrman has suggested that the State Weed Board apply for a grant to buy a GPS unit and Arcview or Arc Info software with a site license to keep costs down for each county to go along with methodology so that the small weed boards who cannot afford this in their inventory will now have the means to do this. If you supply them with the GPS units they can put the information on it electronically while in the field and download it and send it to Greg Haubrich when they return from the field. Sarah thinks this is a good idea and is willing to work on it with someone who has grant writing experience. She would like to know of any suggestions of grant sources or possibly getting matching funds from the Department of Agriculture or some other source. Remember that the goal is to eventually produce an all inclusive weed inventory data collection form to be used by everyone in the state so that future weed inventory data can be compiled into central clearing house and the results will be consistent and comparable in house.

NOXIOUS WEED COMMITTEE

Steve McGonigal gave the report. The committee will plan to meet the evening before the May board meeting. Tim is still working on the sub-committee to review the listing process but has not started it at this time.

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LEGISLATIVE REPORT

Steve McGonigal gave the report.

State:

The Invasive Species Bill passed. The State Weed Board is an entity on that council. The Bill will become law 90 days after the Governor signs it.

Federal:

The Secure Rural Schools and Community Self Determination Act was a priority during the recent trip to Washington D.C. All but one member of Washington State's Congressional delegation are co-sponsors of bills to re-authorize the Act. The Bush Administration has proposed to partially fund it by selling off some Forest Service lands.

COORDINATORS' FORUM

Butch Bosley asked if as far as mapping goes he was wondering if the Board was considering having a central location to house the information that can be accessed. Ray stated that he thought it would be with Greg Haubrich.

Dan Wallenmeyer stated that they are using the Forest Service database. Which is on National Forest lands. They are feeding the National database, which he has no access to. He feels that if there is going to be a state database that the two should be linked together somehow. Ray stated that in order for the Board to be able to access or possibly even link to the Forest Service database that it would probably take an MOU. It is Ray's understanding that at this time the Board cannot even get a MOU with the Forest Service. Steve stated that there have been some personnel changes on the Forest Service side. Steve asked if Ray was talking about stating in this MOU if they will share their databases. Mary stated that there is always hesitancy with federal agencies about sharing data with the State of Washington because our public disclosure laws are much more open than the federal ones and that sometimes that matters and sometimes it doesn't. She asked if there was the possibility of reporting the data in two places. She asked Dan to talk to Greg Haubrich about this subject.

Marty Hudson had a citizen come to him regarding a hunting card and wanted to know about adding some kind of fee that could be added to the hunting tag or license to combat noxious weeds. Marty contacted Chuck Perry and Chuck suggested that Marty get some feedback from the Board. Chuck also suggested that instead of attaching a fee that it could be included in hunter education. Ray wanted to know what the administrative costs would be. He imagined that it would be quite high. Ray thinks it should be included in the hunter training. Tony thinks that it could be included in the pamphlet that goes out to hunters. Sharon Sorby said that there was already a full page in the pamphlet.

Steve discussed the minutes of a meeting of Western Coordinators. The board looked over those minutes, which were in the board packets.

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Nell Murray wanted to tell the board how valuable her trip to Washington D.C. was to her and that she hopes this is something that the board continues to do. She suggested the Board fund return trips by coordinators who have already gone, if funding is available.

Marty Hudson wanted to thank the board for the opportunity to travel back to Washington D.C. He said that Steve did a great job. Marty said that he learned a lot. Kathy Hamel asked what it was that they did back there. Marty said that they were busy the entire time they were there attending meetings.

FUTURE MEETINGS

The meetings for 2006 were discussed and they will be as follows:

May 17th : At the Center for Urban Horticulture, King County. Steve said that the King County program and the Center for Urban Horticulture are working on getting some tours on urban weeds the Tuesday afternoon before the board meeting. The Education Committee would like to meet the day before the Board meeting. The Noxious Weed Committee will meet the evening prior to the board meeting. This meeting will be the last chance that the board will have to name who is going to represent the board on the Invasive Species Council.

July 19th : Will be in Wenatchee at the Chelan Public Library. This is the meeting when the board reviews committee chairs and committee members.

September 20th : Will be in Skagit County at the Best Western Cottontree Inn. This is the meeting where the board must come out with firm decisions before the end of the day regarding which proposed changes to the weed list will be considered at the November hearing. The board should be aware that as soon as the meeting schedule was released Sarah Reichard informed Steve that she had already scheduled a forest-weeds conference for the same two days in Seattle. Steve has consulted with Tim Miller and Ray Fann and they both felt that the board did not need to change the dates of the meeting. People who are interested in weed control will have to decide whether to attend the conference or the State Board meeting.

November 17th : Will be in Ellensburg at the Cattleman's Association. This is the meeting that includes the hearing to establish the 2007 Noxious Weed List.

EXECUTIVE SESSION

The Board held an executive session.

MEETING ADJOURNMENT

Following the executive session, there being no further business, the meeting was adjourned.

Minutes prepared by
Shari Kincy
Office Assistant Senior

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Respectfully submitted,

Steve McGonigal, Executive Secretary
Washington State Noxious Weed Control Board

Ray Fann, Chairman
Washington State Noxious Weed Control Board

Tony Stadelman, Secretary
Washington State Noxious Weed Control Board